

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

PAUL BARR CHRISTIANSON, M.D.,
RESPONDENT

FINAL DECISION AND ORDER
92 MED 314

The parties to this action for:

Paul Barr Christianson, M.D.
48 FW/MDG, PSC 41, POB
APO AE 09464

Wisconsin Medical Examin
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation a
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

NOT
a disciplinary
Order

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1 Respondent Paul Barr Christianson, M.D. (dob 2/6/42), is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #20599. Respondent is a general surgeon.

2 The Respondent did, on January 24, 1992, surrender his license to practice medicine and surgery in the state of Texas, in lieu of further investigation of alleged negligent or unprofessional practice. There was no finding of unprofessional conduct or negligence in the surrender agreement or the board order accepting the surrender.

3. The conduct which resulted in the Texas investigation involved respondent's judgment in his practice. In particular, one case involved his judgment in the case of an elderly woman with intestinal blockage, another case involved his judgment in dealing with a young man who turned out to have appendicitis, and the third case involved his judgment in dealing with a young man who had a stenosis of the esophagus.

4. One of Board's consultants in this matter is a board-certified surgeon who was also the Texas board's consultant. He has served on the continuing medical education committees of his state medical associations for fifteen years and presently serves as the chair of the CME accreditation subcommittee for his state's association. Based on his review of these charts and without knowing what respondent's CME history was, he recommended in his deposition in June, 1995, that an appropriate outcome to this case would be that respondent satisfactorily complete a "good review course in gastrointestinal surgery to include surgery of the esophagus and also general gastrointestinal surgery and colon surgery." "There are courses sponsored by the University of Minnesota in gastrointestinal surgery and in colorectal surgery that are held on an annual basis." "They involve several days [...] anywhere from two and one half to four days."

5. A review of respondent's CME records obtained in July, 1995, show that, before these proceedings were commenced, but after respondent's treatment of all three of these patients, he did successfully complete a 25 1/4 hour course in Trauma and Critical Care Surgery at the University of Minnesota, in June 1991.

6. Numerous expert consultants have reviewed the charts of the three Texas patients. These consultants are divided in their opinions as to whether respondent's treatment was within the standard of care.

CONCLUSIONS OF LAW

7. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(2), Wis. Stats.

8. The Board is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

9. In view of the completion by respondent of an appropriate continuing medical education, further action by the Board in this matter would not be an appropriate use of the Board's scarce resources at this time.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that this matter is CLOSED in the prosecutorial discretion of the Board, in that action has been taken addressing the conduct and such action makes further action unnecessary. This action is not a disciplinary action against respondent.

Dated this 14th day of December, 1995.

WISCONSIN MEDICAL EXAMINING BOARD

by: WR Selway
a member of the Board

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

PAUL BARR CHRISTIANSON, M.D., :
RESPONDENT. :

STIPULATION
92 MED 314

It is hereby stipulated between the above Respondent, personally on his own behalf, and the Department of Regulation and Licensing, Division of Enforcement by its undersigned attorney as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by Stipulation and without a hearing on the formal complaint which has been issued in this matter.

2. Respondent is aware of and understands his rights with respect to disciplinary proceedings, including the right to a statement of the allegations against him; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel attendance of witnesses by subpoena; the right to testify personally; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. By entering into this Stipulation, Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

4. Respondent is aware of his right to seek legal representation and has obtained legal advice prior to execution of this Stipulation.

5. With respect to the attached Final Decision and Order, Respondent is not admitting any negligence or unprofessional conduct, and settles this matter solely to avoid the expenses and uncertainties of litigation. For this reason alone, respondent agrees that the Board may reach the conclusions set forth in the Conclusions of Law, and may enter the Order.

6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that either the Board or the Respondent has been prejudiced or biased in any manner by the consideration of this attempted resolution.

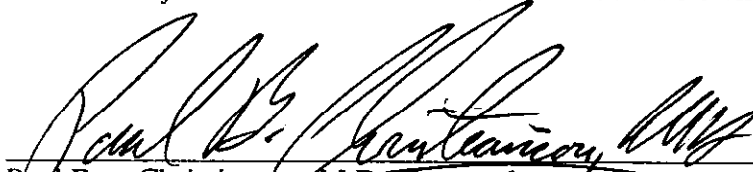
7. If the Board accepts the terms of this Stipulation, the parties to this Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

8. This stipulation is subject to approval by the Division of Enforcement's attorney-supervisor. If approved by the supervisor, the Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

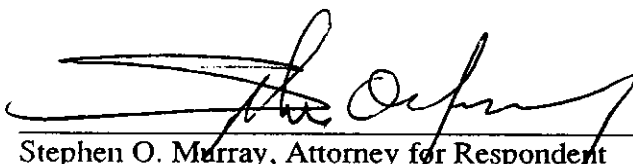
9. Respondent agrees that an attorney for the Division of Enforcement may appear at any deliberative meeting of the Board, in open or closed session, with respect to this Stipulation but that appearance is limited to statements solely in support of this Stipulation, and to answering questions asked by the Board and its staff, and for no other purpose. Respondent shall be given notice and an opportunity to appear at the same time as any prosecuting attorney.

10. Since the attached findings of fact, conclusions of law, and order do not constitute a disciplinary action against respondent, the Board's final decision and order will not be published by the Board or Department in any form (other than as a part of statistical compilations), nor communicated to the National Practitioner Data Bank or the Federation of State Medical Boards of the United States, Inc. Respondent understands that the Department is obligated to comply with the Public Records law, §19.21, Stats., et seq., and that the Order and other portions of the file (excluding patient health care records) are public records.


11. The parties waive any right to seek or recover costs, attorneys fees, or other expenses from each other, arising out of this investigation and litigation, before the Medical Examining Board or any court of record. Each side will bear its own costs, attorneys fees, and expenses.


Paul Barr Christianson, M.D., Respondent

17 Nov 95
Date


Stephen O. Murray, Attorney for Respondent

27 NOV. 95
Date


Prosecuting Attorney
Division of Enforcement

11/28/95
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

December 18, 1995

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)